



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 25 2003

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
1300 I Street, NW
Washington, DC 20006

MAILED
MAR 25 2003
OFFICE OF THE DIRECTOR
TC 3800

In re application of
Stanley Gene Boyer et al.
Application No. 09/891,197
Filed: June 26, 2001
For: EVENT DRIVEN AIRPORT

: DECISION ON REQUEST
: FOR WITHDRAWAL OF
: ATTORNEY

This is a decision on the renewed request filed on January 22, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

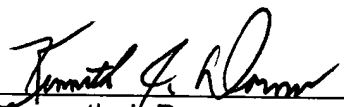
- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

A request for withdrawal as attorney was filed on December 10, 2002. The request was not approved in a decision mailed January 7, 2003 wherein it was held that the above identified application lacked conditions A) and B) above.

The renewed request to withdraw as attorney is not accepted in the above-identified application because the request still lacks conditions A) and B) above.

As to condition A), the attorney signing the request does not have power of attorney in this application. Furthermore, in the original declaration, Debbie Segers of Sabre, Inc. was also given power in this application and the request fails to list this attorney. If only the attorneys and agents of Finnegan, Henderson, Farabow, Garrett & Dunner listed in the original declaration are to have power withdrawn and Debbie Segers is intended to remain having power of attorney for this case, this needs to be made clear in any supplemental request; otherwise the above-noted attorney would need to be added to the request.

As to condition B), there is no indication in the file record of the assignee being the "client." Absent a 3.73(b) statement, the "client" referred to in 37 CFR 10.40 is seen as being those individuals who conferred power upon the attorneys, in this case the inventors. A proper reason for withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided.


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KJD/tpl: 3/18/03